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PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

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02-10-03

2152  
#6  
BT

## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

|                      |                  |
|----------------------|------------------|
| Application Number   | 10/056,956       |
| Filing Date          | January 25, 2002 |
| First Named Inventor | Eric McKinlay    |
| Group Art Unit       | 2152             |
| Examiner Name        | Unknown          |

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Total Number of Pages in This Submission  Attorney Docket Number  Technology Center 2100

### ENCLOSURES (check all that apply)

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| <input checked="" type="checkbox"/> Fee Transmittal Form (in duplicate)    | <input type="checkbox"/> Assignment and Recordation Cover Sheet (for an Application) | <input type="checkbox"/> Request to Correct Filing Receipt                                 |
| <input type="checkbox"/> Amendment / Response                              | <input type="checkbox"/> Drawing(s) _____ Sheets                                     | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences        |
| <input type="checkbox"/> With RCE  | <input type="checkbox"/> Licensing-related Papers                                    | <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final                                       | <input type="checkbox"/> Petition  | <input checked="" type="checkbox"/> Return Postcard  |
| <input type="checkbox"/> Affidavits/declaration(s)                         | <input type="checkbox"/> Request for Continued Examination                           | <input type="checkbox"/> Status Letter   |
| <input type="checkbox"/> Extension of Time Request (in duplicate)          | <input type="checkbox"/> Power of Attorney   | <input type="checkbox"/> Other Enclosure(s) (please identify below):                       |
| <input checked="" type="checkbox"/> 11 Reference(s)                        | <input type="checkbox"/> Terminal Disclaimer   |  |
| <input checked="" type="checkbox"/> IDS and Form 1449                      | <input type="checkbox"/> Request for Refund  |  |
| <input type="checkbox"/> Certified Copy of Priority Document(s)            | <input type="checkbox"/> CD, Number of CD(s) _____                                   |  |
| <input type="checkbox"/> Response to Missing Parts/ Incomplete Application |  |  |
| <input type="checkbox"/> Declaration/Oath                                  |  |  |
| Remarks  |  |  |

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

|                         |  |
|-------------------------|--|
| Firm or Individual name | Vidya R. Bhakar, Reg. No. 42,323<br>Squire, Sanders & Dempsey, L.L.P.<br>600 Hansen Way<br>Palo Alto, CA 94304 |
| Signature               |  |
| Date                    | January 28, 2003   |

### CERTIFICATE OF MAILING

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|                       |                      |
|-----------------------|----------------------|
| Typed or printed name | Eileen M. Janikowski |
| Signature             |                      |
| Date                  | January 28, 2003     |

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FEE TRANSMITTAL  
for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 0)

Complete If Known

Application Number 10/056,956

Filing Date January 25, 2002

First Named Inventor Eric McKinlay

Examiner Name Unknown

Group / Art Unit 2152

Attorney Docket No. 50642.00027

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Technology Center 2100

## METHOD OF PAYMENT (check all that apply)

 Check  Credit card  Money  Other  None  
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Deposit  
Account  
Name

Squire, Sanders &amp; Dempsey, L.L.P.

## The Commissioner is authorized to: (check all that apply)

 Charge fee(s) indicated below  Credit any overpayments  
 Charge any additional fee(s) during the pendency of this application  
 Charge fee(s) indicated below, except for the filing fee  
 to the above-identified deposit account.

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

Large Entity Small Entity

| Fee Code | Fee (\$) | Fee Code | Fee (\$) | Fee Description  | Fee Paid |
|----------|----------|----------|----------|--|----------|
| 1051     | 130      | 2051     | 65       | Surcharge - late filing fee or oath  |          |
| 1052     | 50       | 2052     | 25       | Surcharge - late provisional filing fee or cover sheet                     |          |
| 1053     | 130      | 1053     | 130      | Non-English specification  |          |
| 1812     | 2,520    | 1812     | 2,520    | For filing a request for reexamination                                     |          |
| 1804     | 920*     | 1804     | 920*     | Requesting publication of SIR prior to Examiner action                     |          |
| 1805     | 1,840*   | 1805     | 1,840*   | Requesting publication of SIR after Examiner action                        |          |
| 1251     | 110      | 2251     | 55       | Extension for reply within first month                                     |          |
| 1252     | 410      | 2252     | 205      | Extension for reply within second month                                    |          |
| 1253     | 930      | 2253     | 465      | Extension for reply within third month                                     |          |
| 1254     | 1,450    | 2254     | 725      | Extension for reply within fourth month                                    |          |
| 1255     | 1,970    | 2255     | 985      | Extension for reply within fifth month                                     |          |
| 1401     | 320      | 2401     | 160      | Notice of Appeal   |          |
| 1402     | 320      | 2402     | 160      | Filing a brief in support of an appeal                                     |          |
| 1403     | 280      | 2403     | 140      | Request for oral hearing   |          |
| 1451     | 1,510    | 1451     | 1,510    | Petition to institute a public use proceeding                              |          |
| 1452     | 110      | 2452     | 55       | Petition to revive - unavoidable   |          |
| 1453     | 1,300    | 2453     | 650      | Petition to revive - unintentional   |          |
| 1501     | 1,300    | 2501     | 650      | Utility issue fee (or reissue)   |          |
| 1502     | 470      | 2502     | 235      | Design issue fee   |          |
| 1503     | 630      | 2503     | 315      | Plant issue fee  |          |
| 1460     | 130      | 1460     | 130      | Petitions to the Commissioner  |          |
| 1807     | 50       | 1807     | 50       | Processing fee under 37 CFR 1.17 (g)                                       |          |
| 1806     | 180      | 1806     | 180      | Submission of Information Disclosure Stmt                                  |          |
| 8021     | 40       | 8021     | 40       | Recording each patent assignment per property (times number of properties) |          |
| 1809     | 750      | 2809     | 375      | Filing a submission after final rejection (37 CFR § 1.129(a))              |          |
| 1810     | 750      | 2810     | 375      | For each additional invention to be examined (37 CFR § 1.129(b))           |          |
| 1801     | 750      | 2801     | 375      | Request for Continued Examination (RCE)                                    |          |
| 1802     | 900      | 1802     | 900      | Request for expedited examination of a design application                  |          |

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

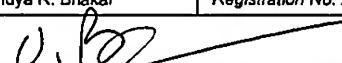
SUBTOTAL (3)

(\$ 0)

\*\*or number previously paid, if greater; For Reissues, see above

## SUBMITTED BY

Complete (if applicable)

|                   |   |                                  |        |           |                  |
|-------------------|---|----------------------------------|--------|-----------|------------------|
| Name (Print/Type) | Vidya R. Bhakar   | Registration No. Attorney/Agent) | 42,323 | Telephone | (650) 856-6500   |
| Signature         |  |                                  |        | Date      | January 28, 2003 |

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

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By: Eileen M. Janikowski  
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FEB 03 2003

|  |                   |                        |
|--|-------------------|------------------------|
| In re Application of:<br><br>Eric McKinlay, et al.   | Examiner: Unknown | Technology Center 2100 |
| Serial No.: 10/056,956   | Art Unit: 2152    |                        |
| Filed: January 25, 2002  |                   |                        |
| Title: System, Method And<br>Computer Program Product<br>For Initiating A Software<br>Download |                   |                        |

Commissioner of Patents  
Washington, DC 20231

**INFORMATION DISCLOSURE STATEMENT PURSUANT TO  
37 C.F.R. §§1.97(b)**

Examiner:

In accordance with the duty of disclosure under 37 CFR §1.56 and pursuant to 37 CFR §§1.97-1.98, Applicant hereby notifies the U.S. Patent and Trademark Office of the references listed on the enclosed Form PTO-1449. One copy of each reference cited is submitted herewith.

The present Information Disclosure Statement is being filed more than three months after the filing date but before receiving the first Office Action. Accordingly, no fee or certification is needed.

The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicant reserves the right to dispute any of the listed documents as prior art during examination. Furthermore, Applicant does not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application. The submission of this Information Disclosure Statement is not to be construed as a representation that a search has been made or that no other material information may exist.

The Examiner is requested to initial the enclosed Form PTO-1449 and return a copy thereof to the undersigned.

If for any reason an insufficient fee has been paid, please charge the insufficiency to Deposit Account No. 05-0150.

Date: January 28, 2003  
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Respectfully submitted,

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